

Page 1

1 Volume:
2 Pages: 1 - 132
3 Exhibits: 1 - 11
4
5
6 COMMONWEALTH OF MASSACHUSETTS
7
8 Suffolk, ss. Superior Court
9 No. 04-2012-F
10
11
12 MICHAEL WATSON, INDIVIDUALLY
13 AND AS FATHER AND NEXT FRIEND
14 OF JOHN WATSON,
15
16 Plaintiffs
17
18 vs.
19
20 PARTNER INDUSTRIAL PRODUCTS,
21
22 Defendant
23
24
25 Deposition of MICHAEL WATSON, a witness
26 called on behalf of the Defendant, pursuant
27 to the Massachusetts Rules of Civil
28 Procedure, before Rosamond K. Marcy, a
29 Certified Shorthand/Registered Professional
30 Reporter and Notary Public in and for the
31 Commonwealth of Massachusetts, at the Offices
32 of Sugarman, Rogers, Barshak & Cohen, P.C.,
33 101 Merrimac Street, Boston, Massachusetts
34 02114, commencing at 10:00 A.M. on Thursday,
35 August 4, 2005.
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Page 2

1 APPEARANCES:
2 JONATHAN E. TOBIN, Esquire
3 [Finneran, Byrne, Drechsler, L.L.P.]
4 Eastern Harbor Office Park
5 50 Redfield Street
6 Boston, Massachusetts 02122
7 for the Plaintiff, Michael Watson.
8
9 DAVID A. BARRY, Esquire
10 SULEYKEN D. WALKER, Attorney
11 [Sugarman, Rogers, Barshak & Cohen, P.C.]
12 101 Merrimac Street
13 Boston, Massachusetts 02114
14 for the Defendant, Partner Industrial
15 Products.
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17 PRESENT:
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19 Lennort Gustafsson.
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Page 3

1 I N D E X
2 Deposition of: DIRECT CROSS REDIRECT RECROSS
3 MICHAEL WATSON
4 (By Mr. Barry) 4 130
5 (By Mr. Tobin) 127
6
7
8 E X H I B I T S
9 Watson
10 Number: For Ident.
11 1-5 - Group of photographs 80
12 6 - Saw 109
13 7 - Photograph File No. 100-0848 110
14 8 - Photograph File No. 100-0850,
15 Time 11:27 111
16 9 - Photograph File No. 100-0851,
17 Time 11:30 112
18 10 - Photograph File No. 100-0852,
19 Time 11:34 115
20 11 - Photograph File No. 100-0853,
21 Time 11:36 115
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Page 4

1 STIPULATIONS
2 It is hereby stipulated and
3 agreed by and between counsel for the
4 respective parties that the witness will
5 read and sign the deposition transcript
6 within thirty days. The sealing and
7 filing of the deposition transcript are
8 waived.
9 It is further stipulated and
10 agreed that all objections, except as to
11 form, and motions to strike will be
12 reserved to the time of trial.
13 MICHAEL WATSON,
14 a witness called on behalf of the
15 Defendant having first been properly
16 identified and duly sworn, deposes and
17 says as follows:
18 DIRECT EXAMINATION
19 BY MR. BARRY
20 Q. Good morning, Mr. Watson. I'll
21 introduce myself to you again. My name
22 is David Barry and I represent the
23 defendant in the lawsuit that you've
24 brought. I'm going to be asking you a

Page 109

1 record is clear we are not plugging the
2 saw in. We are not turning the saw on
3 and I will also represent to you that
4 this exemplar does not even have a blade
5 in it.

6 [Saw marked Watson Exhibit
7 No. 6 for Identification.]

8 Q. Do you recognize the exemplar saw we
9 have just marked as Exhibit 6 as a saw
10 similar to the one that you were using
11 at the time of your accident?

12 A. Yes.

13 Q. Do you notice any differences that you
14 can identify now between the saw that
15 we've marked as Exhibit 6 and the saw
16 that was involved in your accident?

17 A. Nothing outstanding. Handles, blade.

18 Q. Would you just demonstrate, first of
19 all, how you were holding the saw in
20 terms of positions of your left and
21 right hands at the time you made the cut
22 of the rebar just before your accident.

23 MR. TOBIN: Just before he
24 does his demonstration the present

Page 110

1 conditions don't closely or accurately
2 reflect the conditions of the accident
3 and we are not waiving any rights to
4 object to any photographs taken in this
5 deposition.

6 Q. My question is limited to how he was
7 holding the saw in terms of the position
8 of his left and right hands on the saw
9 at the time he made the cut.

10 A. In making the cut it would have been
11 something like this.

12 Q. We have Mr. Gustafsson here and he is
13 going to photograph you holding the saw
14 in that position.

15 [Photograph File

16 No. 000-0848 marked Watson
17 Exhibit No. 7 for
18 Identification.]

19 Q. I'm going to ask you, Mr. Watson, to
20 position your hands on the saw as they
21 were when you were feeling to make sure
22 the rebar was cut flush to the wall.

23 MR. TOBIN: Your hands on
24 saw.

Page 111

1 Q. Your right hand is obviously not on the
2 saw when you are feeling over.

3 A. Right.

4 Q. Where was your right hand as you felt
5 over.

6 [Witness complying.]

7 Q. Show where your left hand was when you
8 were reaching over with your right hand
9 to see if the rebar was cut flush to the
10 wall.

11 [Witness complying.]

12 [Photograph File

13 No. 100-0850, Time 11:27
14 marked Watson Exhibit No. 8
15 for Identification.]

16 Q. Now would you show me the position of
17 your left and right hands on the saw at
18 the moment when the blade came in
19 contact with your leg.

20 [Witness complying.]

21 A. As I was bringing it down it would have
22 been something like this.

23 Q. When you got to the bottom of the ladder
24 you told us that you moved your right

Page 112

1 hand to the front handle of the saw,
2 correct?

3 A. Right.

4 Q. And you moved your left hand to the rear
5 of the saw, correct?

6 A. Right.

7 Q. Were both hands on the saw at the same
8 time? That is, after you moved your
9 right hand to the front handle and your
10 left hand to the rear handle?

11 A. Yes, they would have been.

12 Q. Would you show that position just before
13 you were cut.

14 MR. TOBIN: Note my

15 objection.

16 [Witness complying.]

17 [Photograph File

18 No. 100-0851, Time 11:30
19 marked Watson Exhibit No. 9
20 for Identification.]

21 Q. My final question is the one I asked
22 before that you objected to. At the
23 moment you felt the blade contact your
24 left leg your right hand is not on the

Page 113

1 saw at all and your left hand is holding
2 the rear handle.
3 MR. TOBIN: Objection.
4 Q. Where are your hands when you felt the
5 blade contact your leg?
6 A. Whether my right hand was actually on
7 the saw at this time I'm not exactly
8 sure of. It could have been one hand at
9 the time just when I was bringing it
10 down to let it go. When it hit the side
11 of my body was my right hand still on
12 the handle? I'm not certain.
13 Q. Do you know where your left hand was?
14 A. The left hand was on the rear handle.
15 Q. As you were going down the ladder after
16 you made the cut and before the blade
17 came in contact with your left leg where
18 was the saw in relation to your body?
19 A. In front and about shoulder level as I
20 was going down the ladder.
21 Q. Directly in front of you?
22 MR. TOBIN: Objection.
23 A. Yes.
24 Q. It wasn't to your left or right?

Page 114

1 A. It was in my left hand.
2 Q. But it was in front of you more than to
3 your left.
4 MR. TOBIN: Objection.
5 A. It was in front of me with respect to
6 the ladder. My hand was touching the
7 ladder. The saw was in my left hand and
8 fell from the ladder.
9 Q. Do you know one way or the other whether
10 the blade was still spinning as you were
11 going down the ladder?
12 A. No.
13 Q. Do you know one way or the other whether
14 you reactivated the saw between the time
15 you released your finger from the
16 trigger and when your accident happened?
17 A. No.
18 Q. Was there ever a point when both your
19 hands were on the front handle?
20 A. When I was switching my right would have
21 been on the front handle to take the
22 weight of the saw and I put my left hand
23 on the right rear.
24 Q. Will you demonstrate that.

Page 115

1 A. I had it in this hand something like
2 this.
3 [Witness demonstrating.]
4 [Photograph File
5 No. 100-0852, Time 11:34
6 marked Watson Exhibit No. 10
7 for Identification.]
8 Q. Would you demonstrate again the position
9 of your hands when both your left and
10 right hands were on the front handle of
11 the saw.
12 [Witness demonstrating.]
13 [Photograph File
14 No. 100-0853, Time 11:36
15 marked Watson Exhibit No. 11
16 for Identification.]
17 Q. Had you taken any steps to walk with the
18 saw before you felt the blade contact
19 your leg?
20 A. No.
21 Q. Were you on level ground when you felt
22 the blade contact your leg?
23 A. I was at the base of the ladder. I'm
24 not sure whether one foot was still on a

Page 116

1 rung. If I'm on the bottom I'm still on
2 the ladder and I just want to switch
3 hands so I can move.
4 Q. So you were facing the ladder and the
5 wall when you felt yourself being cut.
6 A. Yes.
7 Q. Did you ever slip just before the
8 accident happened?
9 A. No.
10 Q. Did you ever lose your footing?
11 A. No.
12 Q. Did you ever tell anybody you did?
13 A. No.
14 Q. Did the saw ever kick back immediately
15 before the accident?
16 A. There was some sort of jerk.
17 Q. Not as a result of the accident, before
18 the accident.
19 A. No.
20 Q. Was the accident caused by a kickback?
21 MR. TOBIN: Objection.
22 A. Not that I am aware of, no.
23 Q. Did you ever say in describing the
24 accident, "I go to turn the saw off and